

[\*O'Brien v. Stone & Webster Engineering Corp.\*](#), 84-ERA-31 (Sec'y May 30, 1990)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR  
WASHINGTON, D.C.

DATE: May 30, 1990  
CASE NO. 84-ERA-31

IN THE MATTER OF

WILLIAM T. O'BRIEN,  
COMPLAINANT,

v.

STONE & WEBSTER ENGINEERING CORP.,  
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER TO SUBMIT SETTLEMENT AGREEMENT

This case, arising under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982), is before me pursuant to the Recommended Decision and order issued by Administrative Law Judge (ALJ) Stuart A. Levin on February 28, 1985. on July 9, 1985, while the case was pending before me on review, counsel for Respondent filed a Stipulation of Dismissal in which the parties stipulate that they have settled the action and have agreed to a dismissal with prejudice. Accordingly, counsel requested dismissal of the proceeding.

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No copy of the settlement was filed and it is not a part of the record. Despite the length of time which has elapsed since the filing of the stipulation of Dismissal, this case cannot be dismissed unless the Secretary reviews and approves the settlement. *See Thompson v. United States Department of Labor*, 885 F.2d 551, 558 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, March 23, 1989 (copy attached).<sup>1</sup>

Accordingly, in order that the settlement can be reviewed to determine whether it is fair, adequate and reasonable, see *Macktal v. Brown & Root, Inc.*, Case No. 86-ERA-23, Sec. order, November 14, 1989, the parties are ordered to submit a copy of the settlement agreement to me for review. If all the parties, including Complainant individually, have not signed the settlement agreement itself, the parties shall submit a certification or stipulation, signed by all the parties to the agreement, including Complainant individually, demonstrating their informed consent to the agreement. The settlement agreement should be submitted within thirty days of receipt of this order.

SO ORDERED.

ELIZABETH DOLE  
Secretary of Labor

Washington, D.C.

**[ENDNOTES]**

<sup>1</sup> The ERA, 42 U.S.C. § 5851(b)(2)(A), also provides that "the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on *on the basis of a settlement entered into by the Secretary . . .* issue an order either providing the relief prescribed by subparagraph B or denying the complaint." (emphasis added).